

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION**

HUNTER DOSTER, et al.,

Plaintiffs,

v.

FRANK KENDALL, et al.,

Defendants.

No. 1:22-cv-00084

Hon. Matthew W. McFarland

**DEFENDANTS' RESPONSE TO PLAINTIFFS' LETTER AND
NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants respectfully notify the Court of the attached decisions in *Colonel, et al. v. Austin, et al.*, No. 8:22-cv-1277-SDM-TGW (M.D. Fla.), *National Guardsman v. Austin et al.*, No. 8:22-cv-1279-SDM-TGW (M.D. Fla.), and *Pilot, et al. v. Austin, et al.*, 8:22-cv-1278-SDM-TGW (M.D. Fla.). In those cases, plaintiffs sought to prevent the military from enforcing the COVID-19 vaccination requirement and brought claims under the Religious Freedom Restoration Act ("RFRA") and the Free Exercise Clause of the First Amendment. The court dismissed plaintiffs' cases for lack of venue because the parties did not reside in the Middle District of Florida and the complaint presented no other basis for venue. These opinions provide additional authority in support of Defendants' Motion to Sever, Dkt. 35, Defendants' Motion to Dismiss, Dkt. 51, Defendants' Opposition to Intervention and Proposed Intervenor's Motion for TRO, Dkt. 55 and Defendants' Opposition to Potential Intervenor's Motion for a Preliminary Injunction, Dkt. 58.

For the same reasons described in the attached opinions, this Court should sever individuals who do not reside in this district and should not permit individuals with no connection to this forum to intervene in this action. Instead, as suggested by Intervenor's counsel, those individuals should "file an appropriate case(s) . . . in an appropriate district(s)." W. Cox Letter, ECF No. 69 (July 8,

2022).

Dated: July 8, 2022

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Respectfully submitted,

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2022, I electronically filed the foregoing paper with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Zachary A. Avallone